

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

CHAD LINDSEY MOSHELL, *individually and on  
behalf of all others similarly situated,*

Plaintiffs,

-v-

SASOL LIMITED et al.,

Defendants.

20-CV-1008 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

On January 19, 2021, Plaintiffs filed their opposition to Defendants’ motions for reconsideration of an August 24, 2020 Order and for sanctions. Dkt. 127. Also on that date, Plaintiffs filed a letter motion, requesting the Court’s approval to seal and redact numerous exhibits attached to their opposition papers. Dkt. 126. Included were five exhibits, Exhibits 39, 40, 41, 42, and 47, that Plaintiffs sought leave to seal at Defendants’ request. Accordingly, on January 22, 2021, Defendants filed a letter advancing arguments for sealing Exhibits 39, 40, 41, 42 and 47. Dkt. 131. On January 25, 2021, after Plaintiffs opposed the sealing of those five exhibits, Dkt. 132, Defendants proposed that they “address the [justification of sealing] these exhibits . . . in greater detail in connection with their forthcoming reply” in further support of their motions for reconsideration and for sanctions, Dkt. 133.

Upon reviewing the submissions of the parties, the Court requires additional information concerning certain Exhibits that the parties seek to redact or file under seal. By February 9, 2021, Plaintiffs shall file a letter addressing the following Exhibits and specific issues:

- Exhibit 1: Plaintiffs must explain why the caption, as well as the first twelve paragraphs of Exhibit 1, meet the standard for sealing set forth in *Lugosch v. Pyramid Co. of*


*Onondaga*, 435 F.3d 110 (2d Cir. 2006) and other authorities.

- Exhibit 2: Based on the current record, the Court sees no basis for sealing a legal analysis shared by a party with opposing counsel and the Court. If Plaintiffs are aware of additional authority to seal or partially redact such a document, they must identify such authority. Alternatively, if Plaintiffs wish to withdraw Exhibit 2, rather than have the Court review it, they must notify the Court by February 9, 2021. If Plaintiffs neither withdraw Exhibit 2 nor provide the Court with such authority, the Court will unseal the Exhibit on February 9, 2021 without further notice.
- Exhibit 8: Plaintiffs shall explain why full sealing of Exhibit 8, as opposed to reactions of the account number, the account holder's contact information, and the outgoing phone call information, is appropriate.
- Exhibit 43: Plaintiffs shall explain the basis for sealing a disclosure pursuant to Federal Rule of Civil Procedure 26(a)(1) and identify any authority for doing so. If there are particular portions of this disclosure that Plaintiffs seek to redact rather than seal Exhibit 43 in its entirety, such as individual names, they must identify and justify those specific redactions.
- Exhibit 45: Plaintiffs must explain why sealing the entirety of Exhibit 45 is necessary to protect CW-5's privacy interests, as opposed to redaction of CW-5's name or parts that would reveal CW-5's identity.

By February 9, 2021, Defendants shall also submit a letter to the Court addressing certain Exhibits. Defendants may raise any arguments they wish to advance in support of filing the Exhibits identified above under seal or in redacted form, including but not limited to Exhibits 43 and 45. In addition, Defendants shall justify the basis for sealing Exhibit 39, 40, 41, 42, and 47. This justification should be made in a separate filing from Defendants' reply brief.

SO ORDERED.

Dated: February 1, 2021  
New York, New York

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JOHN P. CRONAN  
United States District Judge